HOUSE No. 1913

[LOCAL APPROVAL RECEIVED.]

The	Commonwealth	of	Massachusetts

PRESENTED BY:

John W. Scibak, Stanley C. Rosenberg

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to establish a department of public works in the town of Hadley.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John W. Scibak	2nd Hampshire
Stanley C. Rosenberg	Hampshire and Franklin

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act to establish a department of public works in the town of Hadley.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION1. There shall be established in the town of Hadley a department of public works under the
- 2 jurisdiction of the board of selectmen. The department of public works shall have charge and
- 3 responsibility for the management of all public works operations of the town including, but not limited to
- 4 the following: highway, water, sewer, solid waste, engineering services, building maintenance of all town
- 5 buildings (except those under the jurisdiction of the school department), cemetery, and other operations as
- 6 may be deemed necessary or desirable. The board of selectmen shall have the power to make all policy
- 7 decisions related to the operations of public works within the town of Hadley. All references herein to the
- 8 "board" shall refer to the board of selectmen.
- 9 In addition, the board of selectmen shall be responsible for the repair, alteration, and maintenance of all
- 10 town-owned equipment, property, and vehicles under the jurisdiction of the board of selectmen, and those
- formerly under the board of selectmen acting as water commissioners and water department, sewer
- 12 commissioners and sewer department and cemetery committee and cemetery department; for the central
- purchasing of all public works related supplies, materials and equipment; and for awarding of all contracts
- 14 for the repair, alterations, remodeling, construction, reconstruction, maintenance or renovation of all town
- public ways, sewer lines, water lines, grounds, properties, facilities and equipment, except those under the
- 16 jurisdiction of the school department.
- 17 In addition, the board of selectmen shall appoint and may suspend, discipline or remove the director of
- public works, division heads, assistants, laborers and employees.
- 19 Upon the effective date of this act, the board of selectmen shall have all the powers and duties now or
- 20 from time to time vested by general law or special act in the following boards, departments and offices, or
- 21 in boards, departments and offices having corresponding powers and duties in said town, to wit: -- road

- 22 commissioners, surveyors of highways, superintendent streets, water commissioners, sewer
- commissioners, municipal light board or commissioners, cemetery commissioners, tree warden, moth
- superintendent and forestry department, and such boards, departments and offices shall thereupon be
- abolished and the terms of any incumbent members of any such board terminated. No contracts or
- liabilities then in force shall be affected by such abolition, but the board shall in all respects be the lawful
- 27 successor of the boards, departments, and offices so abolished.
- 28 SECTION 2. The board of selectmen shall appoint the director of public works. Pending the appointment
- 29 of the director, said board may appoint an acting director. The compensation of the director or acting
- director shall be fixed by said board, subject to appropriations therefore.
- The board of selectmen shall initiate a recruitment and selection process for the position of director of
- public works, who shall be responsible to said board. The board of selectmen shall appoint a screening
- committee charged with recommending the appointment of the first director of public works for the town.
- 34 The committee shall establish detailed qualifications for the position of director of public works and seek
- 35 candidates for the position through advertisements in professional journals and other recruitment sources.
- 36 The director of the department of public works shall be especially fitted by education, training and
- 37 experience to perform the duties of the office; the director shall have such other qualifications as the
- board of selectmen may from time to time provide. The director need not be a resident of the town. The
- 39 director shall be a college graduate with an appropriate four year engineering degree. Within a reasonable
- 40 period of time after its appointment, the committee shall report to the board and recommend candidates
- 41 for consideration.
- No member of the board of selectmen shall be eligible for appointment as director of public works. While
- 43 employed by the Town of Hadley, the director of public works shall hold no other elective or appointive
- 44 office nor engage in any other business or occupation, provided, however, the director of public works
- shall serve as the tree warden. The board may waive this restriction by prior written authorization.
- 46 SECTION 3. The director of public works shall supervise and direct the operations of the department of
- 47 public works. The director shall have full authority to carry out the policies of the board of selectmen, and
- shall be responsible for the efficient exercise and performance of the powers, rights, and duties vested in
- 49 said board by this act.
- 50 Such director shall, unless the selectmen deem it unnecessary or impractical by reason of cost or
- otherwise, give the town a bond with a surety company authorized to transact business in the
- 52 commonwealth as surety for the faithful performance of the director's duties in such sum and upon such
- conditions as the board of selectmen may require.

54	The director shall serve at the pleasure of the board of selectmen. The selectmen on behalf of the town,
55	may, but need not, enter into an employment contact with any such director, the terms and conditions of
56	which including length not necessarily limited to one calendar or fiscal year shall be determined by the
57	board of selectmen in its sole discretion.
58	The director shall keep full and complete records of the doings of the office and render to the board of
59	selectmen regular and full reports of all operations under the director's control during the period reported
60	upon; and annually shall prepare a synopsis of such reports for publication in the town report. The
61	director shall keep said board fully advised as to the needs of the town within the scope of the director's
62	duties, and shall annually furnish to said board not later than the last day of January of each year detailed
63	estimates in writing of the appropriation required during the next ensuing fiscal year for the proper
64	exercise and performance of all said powers, rights and duties; and shall annually furnish to said board not
65	later than the first day of December of each year detailed estimates in writing of the capital budget needs
66	for the next five years. Each budget request shall be in such detail and such format as may be required by
67	said board and shall, unless the board of selection directs otherwise, be in such details and in such format
68	as may be suggested by the finance committee.
69	SECTION 4. No person in the permanent full-time employment of the town as of the effective date of this
70	act in any of the boards, positions, or departments abolished or consolidated hereunder shall forfeit pay
71	grade or time in service by virtue of this enactment. Each such person shall be retained in a capacity as
72	similar to the person's former capacity as is practical. No contracts or liabilities in force as of the effective
73	date of this act shall be affected by this act, but the board shall be deemed the lawful successor of the
74	aforesaid departments, commissions, board and offices relative to such contracts or liabilities. It shall be
75	the duty of the aforesaid departments, commissions, and office to turn over to the board of selectmen
76	property and records, including all contracts, papers, documents, permits, plans and property in their
77	control and custody and each shall furnish to the board of selectmen such information as may be required
78	by the hoard of selectmen

79 SECTION 5. This act shall take effect upon its passage.